

### REMARKS

The above amendments and these remarks are responsive to the Office action dated November 22, 2004. Claims 1-14 are pending in the application. By this amendment, claims 3, 4, 11 and 13 are canceled, and new claims 15-20 are added. In the Office action, claims 1-10 and 12 were rejected under 35 U.S.C. 102(b) as anticipated by U.S. Pat. No. 5,930,992 to Esch, claim 11 was rejected under 35 U.S.C. 103(a) based on Esch, and claim 13 was rejected under 35 U.S.C. 103(a) based on a combination of Esch and U.S. Pat. No. 6,132,268 to Uchino et al. Applicant respectfully traverses these rejections, but nevertheless amends the claims as shown above. In view of the amendments above, and the remarks below, applicant respectfully requests reconsideration of the application under 37 C.F.R. § 1.111 and allowance of the pending claims.

#### Claims 1-2

Claim 1 has been amended to recite a method of controlling an engine speed of a multi-cylinder engine to regulate an increase of the engine speed at a start-up of the engine that includes controlling the engine to inhibit combustion of at least one of the cylinders of the engine, according to the warm-up condition upon the detection of the start-up when the engine speed detected at the start-up is lower than a predetermined engine speed and when the coolant temperature or the lubricant temperature detected as the warm-up condition is greater than a predetermined value, wherein the engine includes a single throttle body.

The Office action asserts at page 2 that sensors such as RPM and temperature are



monitored and used as a basis for controlling cylinder inhibition at startup. Applicant respectfully disagrees. As one example, Applicant has reviewed Esch but finds no disclosure of controlling the engine to inhibit combustion when the engine speed detected at the start-up is lower than a predetermined engine speed. Rather, Esch appears to show the opposite by inhibiting combustion only after rising above a minimum RPM is reached. Specifically, Col. 4:24-35, states (with emphasis added):

During a cold start of this internal combustion engine, the intake devices 3.1 as well as the exhaust devices 3.2 to all cylinders are first kept open via the control logic 5 so that the engine can be set rotating via the electric starter by means of a small force expenditure. After the detection of a predetermined minimum rpm, the intake devices and the exhaust devices of the individual cylinders are put into operation in conformity with the stroke; but during this process, fuel is only injected into the intake pipes 17.2 and 17.3 to the cylinders II and III, and the ignition is added according to the working cycle so that only the cylinders II and III function as engine. The cylinders I and IV only take in air which is

As another example, Applicant has reviewed Esch but finds no disclosure of controlling the engine to inhibit combustion when the coolant temperature or the lubricant temperature detected as a warm-up condition is greater than a predetermined value. In this way, it may be possible to account for potentially greater increases in engine speed at higher temperatures, for example.

As still another example, Applicant has reviewed Esch but finds no disclosure of the engine having a single throttle body. The Office action appears to admit Esch has no such disclosure, but goes on to assert under 35 U.S.C. 103 that:

The number of throttle bodies provided is an obvious choice of design, well within the level of skill of the ordinary routineer working in the art at the time of the invention.



Applicant respectfully disagrees. First, there is no evidence of record to support the assertion that the number of throttle bodies in an engine is an "obvious design choice." Applicant therefore objects to the factual assertion made as being improper.

Second, Applicant's specification points out that the inventor has recognized that the approach of claim 1 can be particularly helpful to help solve issues when the engine has a single throttle body. More specifically, paragraph [0002] points out that in prior approaches with a single throttle body, it was necessary to open the throttle valve to a larger amount, even though this increased engine noise and engine vibration. However, by operating according to claim 1, it is possible to still utilize a single throttle body yet achieve stable combustion without increasing engine noise and vibration.

As such, for at least any of the reasons stated above, the rejection of claim 1 should be withdrawn. These arguments also apply to claim 2. New claims 15-18 depend from claim 1 and therefore are believed to be in condition for allowance. New claims 19-20 depend from claim 5 and therefore are believed to be in condition for allowance. Claims 5-10 and 12 depend from claim 2 and therefore are believed to be in condition for allowance.

#### Claim 14

Applicant thanks the Examiner for the indication of allowability of claim 14, and herein amends claim 14 to include all limitations of base claim 13.



Applicant believes that this application is now in condition for allowance, in view of the above amendments and remarks. Accordingly, applicant respectfully requests that the Examiner issue a Notice of Allowability covering the pending claims. If the Examiner has any questions, or if a telephone interview would in any way advance prosecution of the application, please contact the undersigned attorney of record.

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted the USPTO via facsimile number 703-872-9306 on March 22, 2005.



Josi Bridges

Respectfully submitted,

Alleman Hall McCoy Russell & Tuttle LLP



Mark D. Alleman

Registration No. 42,257

Customer No. 50488

Attorney/Agent for Applicant(s)/Assignee

806 SW Broadway, Ste. 600

Portland, Oregon 97205

Telephone: (503) 459-4141

Facsimile: (503) 459-4142